

REDACTED

**BEFORE THE
DIVISION OF MEDICAL QUALITY
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation

Against:

EVERETT CHARLES FREER, M.D.

File No: 16-2003-151263

**Physician and Surgeon's
Certificate #G 32220**

Respondent.


DECISION AND ORDER

The attached Stipulated Surrender of License and Order is hereby accepted and adopted as the Decision and Order by the Division of Medical Quality of the Medical Board of California, Department of Consumer Affairs, State of California.

This Decision shall become effective at 5:00 p.m. on April 23, 2004.

IT IS SO ORDERED April 16, 2004

MEDICAL BOARD OF CALIFORNIA



**Lorie Rice
Chair, Panel A
Division of Medical Quality**

1 BILL LOCKYER, Attorney General
of the State of California
2 JANE ZACK SIMON, State Bar No. 116564
Deputy Attorney General
3 California Department of Justice
455 Golden Gate Avenue, Suite 11000
4 San Francisco, CA 94102-7004
Telephone: (415) 703-5544
5 Facsimile: (415) 703-5480

6 Attorneys for Complainant

7 **BEFORE THE**
8 **DIVISION OF MEDICAL QUALITY**
9 **MEDICAL BOARD OF CALIFORNIA**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

13 **EVERETT CHARLES FREER, M.D.**
14 3212 Sabrina Court
15 Las Vegas, NV 89117

16 Physician and Surgeon's
17 Certificate No. G32220

18 Respondent.

Case No.16-2003-151263

**STIPULATED SURRENDER OF
LICENSE AND ORDER**

19 IT IS HEREBY STIPULATED AND AGREED by and between the parties in this
20 proceeding that the following matters are true:

21 1. Ron Joseph was the Executive Director of the Medical Board of
22 California at the time he brought this action solely in his official capacity. David T. Thornton is
23 now the Interim Executive Director of the Board, and is the complainant herein. He is
24 represented in this matter by Bill Lockyer, Attorney General of the State of California, by Jane
25 Zack Simon, Deputy Attorney General.

26 2. Everett Charles Freer, M.D. (respondent) is representing himself in this
27 proceeding. His current address is 3212 Sabrina Ct., Las Vegas, NV 89117.

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1 3. Respondent has received and read the Accusation which is presently on
2 file and pending in case number 16-2003-151263 before the Board, a copy of which is attached
3 as Exhibit A.

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5 4. Respondent has carefully read and understands the charges and allegations
6 in Accusation No. 16-2003-151263. Respondent also has carefully read and understands the
7 effects of this Stipulated Surrender of License and Order.

8 5. Respondent is fully aware of his legal rights in this matter, including the
9 right to a hearing on the charges and allegations in the Accusation; the right to be represented by
10 counsel, at his own expense; the right to confront and cross-examine the witnesses against him;
11 the right to present evidence and to testify on his own behalf; the right to the issuance of
12 subpoenas to compel the attendance of witnesses and the production of documents; the right to
13 reconsideration and court review of an adverse decision; and all other rights accorded by the
14 California Administrative Procedure Act and other applicable laws.

15 6. Respondent voluntarily, knowingly, and intelligently waives and gives up
16 each and every right set forth above.

17 7. Respondent admits that his Nevada medical license was revoked as set
18 forth in the Accusation. His California certificate is thereby subject to disciplinary action
19 pursuant to Business and Professions Code sections 141 and 2305.

20 8. Respondent understands that by signing this stipulation he is enabling the
21 Medical Board of California to issue its order accepting the surrender of license without further
22 process. He understands and agrees that Board staff and counsel for complainant may
23 communicate directly with the Board regarding this stipulation, without notice to or participation
24 by respondent or his counsel. In the event that this stipulation is rejected for any reason by the
25 Board, it will be of no force or effect for either party. The Board will not be disqualified from
26 further action in this matter by virtue of its consideration of this stipulation.

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1 9. Upon acceptance of this stipulation by the Board, respondent understands
2 that he will no longer be permitted to practice as a physician and surgeon in California, and also
3 agrees to surrender and cause to be delivered to the Board any license and wallet certificate in
4 his possession before the effective date of the decision.

5 10. The admissions made by Respondent herein are only for the purposes of
6 this proceeding, or any other proceedings in which the Medical Board or other professional
7 licensing agency is involved, and shall not be admissible in any other criminal or civil
8 proceeding.

9 11. Respondent fully understands and agrees that if he ever files an
10 application for relicensure or reinstatement in the State of California, the Board shall treat it as a
11 petition for reinstatement, and respondent must comply with all laws, regulations and procedures
12 for reinstatement of a revoked license in effect at the time the petition is filed.

13 12. Respondent understands that he may not petition for reinstatement as a
14 physician and surgeon for a period of three (3) years from the effective date of his surrender.
15 Information gathered in connection with Accusation number 16-2003-151263 may be considered
16 by the Division of Medical Quality in determining whether or not to the grant the petition for
17 reinstatement. For the purposes of the reinstatement hearing, the allegations in Accusation
18 number 16-2003-151263 shall be deemed to be admitted by respondent, and respondent waives
19 any and all defenses based on a claim of laches or the statute of limitations.

20 13. The parties understand and agree that facsimile copies of this Stipulated
21 Surrender of License and Order, including facsimile signatures thereto, shall have the same force
22 and effect as the originals.

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DATED: 3/26/04

ENDORSEMENT

DATED: 4/1/04



JANE ZACK SIMON
Deputy Attorney General
Attorneys for Complainant

Exhibit A

REDACTED

BILL LOCKYER, Attorney General
of the State of California
JANE ZACK SIMON
Deputy Attorney General [SBN 116564]
455 Golden Gate Avenue, Suite 11000
San Francisco, California 94102
Telephone: (415) 703-5544
Facsimile: (415) 703-5480

Attorneys for Complainant

FILED
STATE OF CALIFORNIA
MEDICAL BOARD OF CALIFORNIA
SACRAMENTO November 14, 20 03
BY Alesia Mada ANALYST

BEFORE THE
DIVISION OF MEDICAL QUALITY
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

Case No. 16-2003-151263

EVERETT CHARLES FREER, M.D.,
P.O. Box 1967
Pahrump, NV 89041

ACCUSATION

Physician and Surgeon's
Certificate No. G32220

Respondent.

The Complainant alleges:

PARTIES

1. Complainant, Ronald Joseph, is the Executive Director of the Medical Board of California (hereinafter the "Board") and brings this accusation solely in his official capacity.

2. On or about July 7, 1976, Physician and Surgeon's Certificate No. G32220 was issued by the Board to Everett Charles Freer, M.D. (hereinafter "respondent"). Respondent's certificate has an expiration date of October 31, 2003, and was SUSPENDED on October 17, 2003 pursuant to Business and Professions Code section 2310(a).

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1 specific statutory provision in the licensing act administered by the board that provides
2 for discipline based upon a disciplinary action taken against the licensee by another state,
3 an agency of the federal government, or another country."

4 E. Welfare and Institutions Code section 14124.12 provides, in part, that a
5 physician whose license has been placed on probation by the Medical Board shall not be
6 reimbursed by Medi-Cal for "the type of surgical service or invasive procedure that gave
7 rise to the probation."

8 4. Respondent is subject to discipline within the meaning of section 141 and
9 is guilty of unprofessional conduct within the meaning of section 2305 as more particularly set
10 forth herein below.

11 **FIRST CAUSE FOR DISCIPLINE**

12 (Discipline, Restriction, or Limitation Imposed by Another State)

13 5. On or about September 19, 2003, the Nevada State Board of Medical
14 Examiners issued its Findings of Fact, Conclusions of Law and Order revoking respondent's
15 license to practice medicine in Nevada. The revocation was based on the fact that on March 3,
16 2003 respondent signed a Guilty Plea Agreement with the Nye County District Attorney under
17 which he agreed to plead guilty to felony charges of attempted lewdness with a minor under
18 fourteen years of age and incest. Thereafter, on May 9, 2003 a Judgment of Conviction was
19 entered in the District Court of Nevada, County of Nye, a Judgment of Conviction was entered.

20 Attached as Exhibit A and incorporated by reference are true and correct copies of
21 the Findings of Fact, Conclusions of Law and Order and the Complaint of the Nevada State
22 Board of Medical Examiners.

23 6. The discipline imposed by the Nevada State Board of Medical Examiners
24 constitutes a violation of section 141 and constitutes unprofessional conduct and/or a basis for
25 the imposition of discipline within the meaning of Code section 2305.

26 **PRAYER**

27 **WHEREFORE**, the complainant requests that a hearing be held on the matters

1 herein alleged, and that following the hearing, the Division issue a decision:

- 2 1. Revoking or suspending Physician and Surgeon's Certificate Number
3 G32220, heretofore issued to respondent Everett Charles Freer, M.D.;
- 4 2. Revoking, suspending or denying approval of the respondent's authority to
5 supervise physician assistants;
- 6 3. Ordering respondent to pay the Division the actual and reasonable costs of
7 the investigation and enforcement of this case and to pay the costs of probation monitoring upon
8 order of the Division; and
- 9 4. Taking such other and further action as the Division deems necessary and
10 proper.

11 DATED: November 14, 2003.

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14 RONALD JOSEPH
15 Executive Director
16 Medical Board of California
17 Department of Consumer Affairs
18 State of California

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Complainant

Exhibit A

1
2 **BEFORE THE BOARD OF MEDICAL EXAMINERS**
3 **OF THE STATE OF NEVADA**

4 * * * * *

5 **In the Matter of the Complaint**

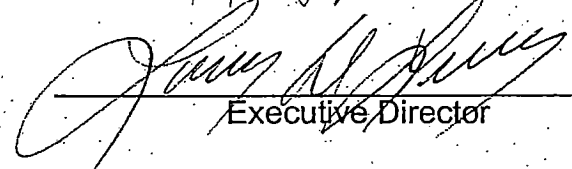
Case No. 03-4783-1

6 **Against**

Filed 19 September 2003

7 **EVERETT CHARLES FREER JR., M.D.,**

8 **Respondent.**


Executive Director

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11 **FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER**

12 The above-entitled matter came on regularly for decision before the Nevada State
13 Board of Medical Examiners, hereinafter "Board", on Friday, September 5, 2003, at the offices
14 of the Nevada State Contractors Board at 9670 Gateway Drive, Suite 100, Reno, Nevada
15 89521, and video-conferenced to 2310 Corporate Circle, Henderson, Nevada 89074, on the
16 complaint filed herein. Respondent, EVERETT CHARLES FREER JR., M.D., hereinafter
17 "Respondent," was present at the meeting at the Henderson location without representation.

18 The members of the Board participating in the decision were, Cheryl A. Hug-English,
19 M.D., President, Jacqueline C. Jones, Ed.D., Vice-President, Joel N. Lubritz, M.D., Robin L.
20 Titus, M.D., Sohail V. Anjum, M.D., Marlene J. Kirch and Javaid Anwar, M.D. All remaining
21 members of the board being members of the Investigative Committee which issued the
22 complaint in this matter were excused from participating and took no part in the proceedings
23 of the Board. Charlotte M. Bible, Chief Deputy Attorney General, participated as legal counsel
24 to the Board.

25 The Board having received and read the Synopsis of the Hearing Officer of the hearing
26 conducted in this matter, having received and read a copy of the hearing transcript, and
27 having been provided with the complaint and exhibits in this matter, and having reviewed and
28 read all the above, proceeded to make a decision pursuant to the provisions of NRS 630.352.

1 The Board after due consideration of the record, evidence and law, and being fully
2 advised in the premises, makes its FINDINGS OF FACT, CONCLUSIONS OF LAW AND
3 ORDER as follows:

4 **FINDINGS OF FACT**

5 I.

6 Respondent is licensed to practice medicine in the state of Nevada and at all times
7 relevant hereto has been so licensed by the Board.

8 II.

9 A complaint was filed on June 27, 2003, against Respondent alleging four (4) violations
10 of Chapter 630 of the Nevada Revised Statutes in four (4) counts of the complaint. The
11 Counts are based upon an Amended Information filed on March 3, 2003 charging Respondent
12 with two category "B" felonies, Attempted Lewdness with a Child under 14 years of age, and
13 Incest; a Guilty Plea Agreement signed by Respondent and filed on March 3, 2003 pleading
14 guilty to the crimes as charged in the Amended Information; and a Judgment of Conviction
15 filed on May 9, 2003. The Counts of the complaint allege as follows:

16 III.

17 Count One of the complaint alleged that the offense in count I of the criminal complaint
18 against Respondent, for which Respondent was convicted—Attempt Lewdness with a Child
19 Under 14 years of age, a violation of NRS 201.230—is a felony under the laws of the State of
20 Nevada, a violation of NRS 630.301(1).

21 IV.

22 Count Two of the complaint alleged that the offense in count I of the criminal complaint
23 against Respondent, for which Respondent was convicted—Attempt Lewdness with a Child
24 Under 14 years of age, a violation of NRS 201.230—is an offense involving moral turpitude, a
25 violation of NRS 630.301(1).

26 V.

27 Count Three of the complaint alleged that the offense in count II of the criminal
28 complaint against Respondent, for which Respondent was convicted—Incest, a violation of

1 NRS 201.180—is a felony under the laws of the State of Nevada, a violation of NRS
2 630.301(1).

3 VI.

4 Count Four of the complaint alleged that the offense in count II of the criminal complaint
5 against Respondent, for which Respondent was convicted—Incest, a violation of NRS
6 201.180—is an offense involving moral turpitude, a violation of NRS 630.301(1).

7 VII.

8 The Board finds that based upon the Guilty Plea Agreement, the Judgment of
9 Conviction and by his own admission at the hearing on the Board's complaint, Respondent
10 committed two crimes that were both felonies and crimes of moral turpitude. The commission
11 of a felony is grounds for disciplinary action pursuant to NRS 630.301(1). Attempt Lewdness
12 with a Child Under 14 years of age and Incest are felonies. The Board finds that the crimes
13 committed by Respondent constitute a material violation of NRS 630.301(1) and the Board
14 finds Respondent guilty of Counts One and Three as charged in the complaint.

15 VIII.

16 The Board finds that based upon the Guilty Plea Agreement, the Judgment of
17 Conviction and by his own admission at the hearing on the Board's complaint, Respondent
18 committed two crimes that were both felonies and crimes of moral turpitude. Attempt
19 Lewdness with a Child Under 14 years of age and Incest are offenses of moral turpitude. The
20 commission of an offense of moral turpitude is grounds for disciplinary action pursuant to NRS
21 630.301(1). The Board finds that the crimes committed by Respondent constitute a material
22 violation of NRS 630.301(1) and the Board finds Respondent guilty of Counts Two and Four
23 as charged in the complaint.

24 IX.

25 If any of the foregoing Findings of Fact is more properly deemed a Conclusion of Law,
26 it may be so construed.

27 ...

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CONCLUSIONS OF LAW

I.

The Board has jurisdiction over Respondent.

II.

Respondent was properly served with notice of hearing before the Hearing Officer.

III.

Respondent has violated the provisions of NRS 630.301(1), as set forth in Counts One, Two, Three and Four of the complaint.

IV.

If any of the foregoing Conclusions of Law is more properly deemed a Finding of Fact, it may be so construed.

ORDER

Based upon the foregoing Findings of Fact and Conclusions of Law, and good cause appearing therefore,

IT IS HEREBY ORDERED that:

1. RESPONDENT'S license to practice medicine in the state of Nevada is hereby REVOKED;
2. RESPONDENT shall be issued a PUBLIC REPRIMAND; and
3. RESPONDENT shall pay all costs incurred by the Board in these disciplinary proceedings within sixty (60) days of the date of this order in the amount of \$9,053.75

DATED this 19th day of September, 2003.

NEVADA STATE BOARD OF MEDICAL EXAMINERS

By:


Cheryl A. Hug-English MD
CHERYL A. HUG-ENGLISH, M.D., President

CERTIFICATION

I hereby certify that the foregoing is the full and true original FINDINGS OF FACT, CONCLUSIONS OF LAW and ORDER on file in the office of the Board in the matter of EVERETT CHARLES FREER JR., M.D., Case No. 03-4783-1.

I further certify that CHERYL A. HUG-ENGLISH, M.D., is the President of the Nevada State Board of Medical Examiners and that full force and credit is due to her official acts as such; that the signature to the foregoing FINDINGS OF FACT, CONCLUSIONS OF LAW and ORDER is the genuine signature of said CHERYL A. HUG-ENGLISH, M.D.

IN WITNESS THEREOF, I have hereunto set my hand in my official capacity as Secretary-Treasurer of the Nevada State Board of Medical Examiners.


DONALD H. BAEPLER, PH.D., D. Sc.
Secretary-Treasurer
Nevada State Board of Medical Examiners

**Before the Board of Medical Examiners
of the State of Nevada**

In The Matter of The Complaint

Against

Everett Charles Freer, Jr., M.D.,

Respondent.

Case No. 03-4783-1

NO. _____

FILED _____

27 June 2003

[Signature]
EXECUTIVE DIRECTOR

COMPLAINT

Pursuant to the provisions of chapter 630 of the Nevada Revised Statutes, and by virtue of the authority vested in it by said chapter, the Investigative Committee of the Board of Medical Examiners of the State of Nevada, composed of Paul A. Stewart, M.D., Donald H. Baepler, Ph.D., D.Sc., and Stephen K. Montoya, M.D., having a reasonable basis to believe that EVERETT CHARLES FREER, JR., M.D., hereinafter referred to as "RESPONDENT", has violated the provisions of said chapter, hereby issues its formal Complaint, stating the Investigative Committee's charges and allegations, as follows:

1. That Respondent is licensed in active status to practice medicine in the state of Nevada, and at all times alleged herein, was so licensed by the Board of Medical Examiners of the State of Nevada, pursuant to the provisions of Chapter 630 of the Nevada Revised Statutes.

2. That NRS 630.301(1) provides that conviction of a felony constitutes grounds for initiating disciplinary action against a licensee.

1 3. That NRS 630.301(1) provides that conviction of any offense involving
2 moral turpitude constitutes grounds for initiating disciplinary action against a licensee.

3 4. That on September 12, 2002, an information was filed in the Fifth Judicial
4 Judicial District Court of the State of Nevada, in and for the County of Nye, Case No.
5 CR 4076, charging Everett Charles Freer, Jr., Respondent herein, with the commission
6 of a Felony, as follows:

7 SEXUAL ASSAULT, a violation of NRS 200.366, A CATEGORY 'A' FELONY,
8 Committed in the following manner: That ON OR ABOUT JANUARY-AUGUST
9 2001, in Pahrump Township, Nye County, Nevada, said Defendant did
10 willfully and unlawfully subject another person, to wit: J [REDACTED] M [REDACTED]
11 F [REDACTED] DOB: [REDACTED], A CHILD OF 12 AT THE TIME OF THE ALLEGED
12 INCIDENT(S) IN QUESTION, to sexual penetration, against the victim's will,
13 or under conditions in which said Defendant knew or should have known
14 that the victim was mentally or physically incapable of resisting or understanding
15 the nature of his conduct, by putting his fingers in her vagina and/or his tongue
16 in her vagina and/or his penis in her mouth, at 5030 Navajo;

17 All of which is contrary to the form, force, and effect of the statute(s) in such
18 cases made and provided, and against the peace and dignity for the state of
19 Nevada.

20 A true and correct certified copy of said information is attached hereto as Exhibit
21 A and incorporated herein as if set out in full.

22 5. That on March 3, 2003, an AMENDED INFORMATION was filed in the
23 Fifth Judicial District Court of the State of Nevada, in and for the County of Nye, Case
24 No. CR 4076, charging Everett Charles Freer, Jr., with the commission of two (2)
25 Felonies, as follows:

26 COUNT I

27 ATTEMPTED LEWDNESS WITH A CHILD UNDER 14 YEARS OF AGE,
28 a violation of NRS 193.330, being an attempt to violate NRS 201.230, a
29 CATEGORY 'B' FELONY, committed in the following manner, to wit: That,
30 ON, ABOUT OR BETWEEN JANUARY, 2001 AND AUGUST, 2001, in
31 Pahrump Township, Nye County, Nevada, said Defendant did willfully and

1 Unlawfully and lewdly attempt to commit a lewd or lascivious act upon or
2 With the body of J [REDACTED] M [REDACTED] F [REDACTED] (DOB: [REDACTED]; A CHILD
3 12 YEARS OF AGE AT THE TIME OF THE INCIDENT) with the intent of
4 arousing, appealing to, or gratifying the lust or passions or sexual desires
5 of himself or of said child, at 5030 Navajo, by putting his finger or fingers in
6 her vagina;

7 COUNT II

8 INCEST, a violation of NRS 201.180, A CATEGORY 'B' FELONY, committed
9 In the following manner, to wit: That ON, ABOUT OR BETWEEN JANUARY,
10 2001 AND AUGUST, 2001, in Pahrump Township, Nye County, Nevada,
11 said Defendant did willfully and unlawfully commit an act of incest upon his
12 natural daughter, by putting his tongue and/or penis in the vagina of his
13 natural daughter and/or putting his penis in her mouth, at 5030 Navajo;

14 All of which is contrary to the form, force, and effect of the statute(s) in such
15 cases made and provided, and against the peace and dignity for the State
16 of Nevada.

17 A true and correct certified copy of said Amended Information is attached hereto
18 as Exhibit B and incorporated herein as if set out in full.

19 6. That on March 3, 2003, Respondent signed a Guilty Plea Agreement to
20 the above referenced Amended Information, which Plea Agreement was filed with the
21 Court on March 3, 2003. A true and correct certified copy of said Plea Agreement is
22 attached hereto as Exhibit C and incorporated herein as if set out in full.

23 7. That on March 3, 2003, Respondent appeared in Court with his attorney
24 and pled guilty to the crime(s) of COUNT I, ATTEMPT LEWDNESS WITH A CHILD
25 UNDER 14 YEARS OF AGE, in violation of NRS 201.230, a category "B" felony;
COUNT II, INCEST, in violation of NRS 201.180, a category "B" felony.

8. That on May 5, 2003, Respondent appeared in Court with his attorney for
entry of judgment, and the Court adjudged him guilty of the crime(s) of COUNT I,
ATTEMPT LEWDNESS WITH A CHILD UNDER 14 YEARS OF AGE, in violation of

1 NRS 201.230, a category "B" felony; COUNT II, INCEST, in violation of NRS 201.180, a
2 category "B" felony, and the Court sentenced Respondent at that time. Said judgment
3 of conviction was filed with the Court on May 9, 2003, and a true and correct certified
4 copy of said Judgment of Conviction is attached hereto as Exhibit D and incorporated
5 herein as if set out in full.

6 **COUNT ONE**

7 9. The allegations set forth in paragraphs 1 through 8 are incorporated
8 herein as if set out in full.

9 10. That the offense in Count I of the criminal complaint against Respondent,
10 for which Respondent was convicted – ATTEMPT LEWDNESS WITH A CHILD UNDER
11 14 YEARS OF AGE, a violation of NRS 201.230 - is a Felony under the laws of the State
12 of Nevada, a violation of the provisions of NRS 630.301(1).

13 **COUNT TWO**

14 11. The allegations set forth in paragraphs 1 through 10 are incorporated herein
15 as if set out in full.

16 12. That the above offense for which Respondent was convicted – ATTEMPT
17 LEWDNESS WITH A CHILD UNDER 14 YEARS OF AGE - is an offense involving moral
18 turpitude, a violation of the provisions of NRS 630.301(1).

19 **COUNT THREE**

20 13. The allegations set forth in paragraphs 1 through 12 are incorporated herein
21 as if set out in full.

1 14. That the OFFENSE in count II of the criminal complaint against Respondent,
2 for which Respondent was convicted – INCEST, a violation of NRS 201.180 – is a Felony
3 under the laws of the State of Nevada, a violation of the provisions of NRS 630.301(1).

4 **COUNT FOUR**

5 15. The allegations set forth in paragraphs 1 through 14 are incorporated herein
6 as if set out in full.

7 16. That the above offense for which Respondent was convicted – INCEST – is
8 an offense involving moral turpitude, a violation of the provisions of NRS 630.301(1).

9 WHEREFORE, the Investigative Committee of the Nevada State Board of Medical
10 Examiners prays that the Nevada State Board of Medical Examiners conduct a hearing on
11 this Complaint as provided by statute, and that the Nevada State Board of Medical
12 Examiners, after such hearing, take such action as may be just and proper pursuant to
13 Nevada Revised Statutes.

14 DATED this 27th day of June, 2003.

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17 INVESTIGATIVE COMMITTEE OF
18 THE NEVADA STATE BOARD OF MEDICAL EXAMINERS

19 By: Paul A. Stewart, M.D.
20 PAUL A. STEWART, M.D.,
21 Chairman
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2 VERIFICATION

3 STATE OF NEVADA)
4 : ss.
5 COUNTY OF CLARK)

6 PAUL A. STEWART, M.D., under penalties of perjury, being first duly sworn,
7 deposes and says:

8 That he is the Chairman of the Investigative Committee of the Nevada State Board
9 of Medical Examiners; that he has read the foregoing Complaint and knows the contents
10 thereof; that the same is true of his own knowledge, except as to those matters therein
11 contained stated upon information and belief, and as to those matter he believes them to
12 be true.
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14 Paul A. Stewart, MD
15 PAUL A. STEWART, M.D.
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SEP 12 1 38 PM '02

Case No. CR 4076

NYE COUNTY

CU

IN THE FIFTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
IN AND FOR THE COUNTY OF NYE

THE STATE OF NEVADA,

Plaintiff,

vs.

I N F O R M A T I O N

EVERETT CHARLES FREER, JR.,

Defendant(s).

ROBERT S. BECKETT, District Attorney within and for the
County of Nye, State of Nevada, informs the Court that EVERETT
CHARLES FREER, JR., before the filing of this Information, did
then and there, in Nye County, Nevada, commit the following
offenses(s), to wit:

SEXUAL ASSAULT, a violation of NRS 200.366, A
CATEGORY 'A' FELONY, committed in the following
manner: That ON OR ABOUT JANUARY-AUGUST 2001, in
Pahrump Township, Nye County, Nevada, said Defendant
did willfully and unlawfully subject another person,
to wit: J [REDACTED] M [REDACTED] F [REDACTED] DOB: [REDACTED], A CHILD
OF 12 AT THE TIME OF THE ALLEGED INCIDENT(S) IN
QUESTION, to sexual penetration, against the victim's
will, or under conditions in which said Defendant
knew or should have known that the victim was
mentally or physically incapable of resisting or
understanding the nature of his conduct, by putting
his fingers in her vagina and/or his tongue in her
vagina and/or his penis in her mouth, at 5030 Navajo;

// /

EXHIBIT A

ROBERT S. BECKETT
P.O. BOX 593
TONOPAH, NEVADA 89049-0593



1 All of which is contrary to the form, force, and effect of
2 the statute(s) in such cases made and provided, and against the
3 peace and dignity for the State of Nevada.

4 Witnesses and their addresses known to the District
5 Attorney of Nye County, State of Nevada, at the time of the
6 filing of this Information:

7 DET. CHRIS REDMOND
8 N.C.S.O.
9 PAHRUMP, NV

10 M. F. [REDACTED]
11 HENDERSON, NV

12 EVERETT FREER
13 2347 RAMSGATE DRIVE
14 HENDERSON, NV

DEPUTY BRYAN NORTON
N.C.S.O.
PAHRUMP, NV

15 J. M. F. [REDACTED]
16 HENDERSON, NV

17 DATED this 10 day of September, 2002.

18 ROBERT S. BECKETT
19 NYE COUNTY DISTRICT ATTORNEY

20 By [Signature]
21 KIRK VITTO, Chief
22 Deputy District Attorney
23
24
25

NYE COUNTY DISTRICT ATTORNEY
ROBERT S. BECKETT
P.O. BOX 593
TONOPAH, NEVADA 89049-0593



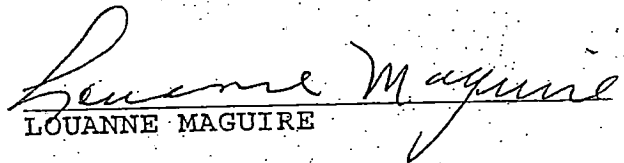
CERTIFICATE OF SERVICE BY MAIL

I, LOUANNE MAGUIRE, Legal Secretary, Office of the Nye County District Attorney, P. O. Box 39, Pahrump, Nevada 89041, do hereby certify that I have served the following:

INFORMATION in
5TH JDC Case No(s). CR4076,
STATE v. EVERETT CHARLES FREER, JR.

upon said Defendant(s) herein by mailing a true and correct copy thereof, postage prepaid, on 6/12/02 to the following:

J. FOREST CAHLAN
2340 E. CALVADA BLVD.,
SUITE 4
PAHRUMP, NV 89048


LOUANNE MAGUIRE

June 18, 2003

Aggy Brockway

ROBERT S. BECKETT

P.O. BOX 593

TONOPAH, NEVADA 89049-0593



NYE COUNTY DISTRICT ATTORNEY
ROBERT S. BECKETT
P.O. BOX 593
TONOPAH, NEVADA 89049-0593




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Case No. CR 4076

RECEIVED
JUN 23 2003
NEVADA STATE BOARD OF
MEDICAL EXAMINERS
FIFTH JUDICIAL DISTRICT

MAR 03 2003

Nye County Clerk

 Deputy

IN THE FIFTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
IN AND FOR THE COUNTY OF NYE

THE STATE OF NEVADA,
Plaintiff,

vs.

AMENDED INFORMATION

EVERETT CHARLES FREER, JR.,
Defendant(s).

ROBERT S. BECKETT, District Attorney within and for the
County of Nye, State of Nevada, informs the Court that EVERETT
CHARLES FREER, JR., before the filing of this Amended
Information, did then and there, in Nye County, Nevada, commit
the following offenses(s), to wit:

COUNT I

ATTEMPTED LEWDNESS WITH A CHILD UNDER 14 YEARS OF
AGE, a violation of NRS 193.330, being an attempt to
violate NRS 201.230, A CATEGORY 'B' FELONY, committed
in the following manner, to wit: That ON, ABOUT OR
BETWEEN JANUARY, 2001 AND AUGUST, 2001, in Pahrump
Township, Nye County, Nevada, said Defendant did
willfully and unlawfully and lewdly attempt to commit
a lewd or lascivious act upon or with the body of
J [REDACTED] M [REDACTED] F [REDACTED] (DOB: [REDACTED]; A CHILD 12
YEARS OF AGE AT THE TIME OF THE INCIDENT) with the
intent of arousing, appealing to, or gratifying the
lust or passions or sexual desires of himself or of
said child, at 5030 Navajo, by putting his finger or
fingers in her vagina;

EXHIBIT B

NYE COUNTY DISTRICT ATTORNEY
ROBERT S. BECKETT
P.O. BOX 593
TONOPAH, NEVADA 89049-0593



COUNT II

INCEST, a violation of NRS 201.180, A CATEGORY 'B' FELONY, committed in the following manner, to wit: That ON, ABOUT OR BETWEEN JANUARY, 2001 AND AUGUST, 2001, in Pahrump Township, Nye County, Nevada, said Defendant did willfully and unlawfully commit an act of incest upon his natural daughter, by putting his tongue and/or penis in the vagina of his natural daughter and/or putting his penis in her mouth, at 5030 Navajo;

All of which is contrary to the form, force, and effect of the statute(s) in such cases made and provided, and against the peace and dignity for the State of Nevada.

Witnesses and their addresses known to the District Attorney of Nye County, State of Nevada, at the time of the filing of this Amended Information:

DET. CHRIS REDMOND
N.C.S.O.
PAHRUMP, NV

DEPUTY BRYAN NORTON
N.C.S.O.
PAHRUMP, NV

M. F. [REDACTED]
[REDACTED]
HENDERSON, NV

J. M. F. [REDACTED]
[REDACTED]
HENDERSON, NV

EVERETT FREER
2347 RAMSGATE DRIVE
HENDERSON, NV

DATED this 23 day of March, 2003.

ROBERT S. BECKETT
NYE COUNTY DISTRICT ATTORNEY

By [Signature]
KIRK D. VITTO
Chief Deputy District Attorney

THE DOCUMENT IS A TRUE AND CORRECT COPY OF THE ORIGINAL ON FILE AND OF RECORD IN THE OFFICE.

Date: June 18, 2003
Sandra L. Merlino, clerk of the Nye Judicial District Court, in and for the County of Nye, State of Nevada.

By [Signature] Deputy

Case No. CR 4076

Dept. 2P

FILED

FIFTH JUDICIAL DISTRICT

MAR 03 2003

Nye County Clerk

Deputy

IN THE FIFTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF NYE

STATE OF NEVADA,

Plaintiff,

vs.

EVERETT CHARLES FREER, JR.,

Defendant.

GUILTY PLEA AGREEMENT

I hereby agree to plead guilty to: ATTEMPT LEWDNESS WITH A MINOR UNDER FOURTEEN YEARS OF AGE (Category B Felony - NRS 193.330, 201.230), as more fully alleged in the Amended Information, and INCEST (Category B Felony - NRS 201.180), as more fully alleged in the Amended Information.

My decision to plead guilty is based upon the plea agreement in this case which is as follows:

The State has agreed to recommend a sentence of Two (2) to Twenty (20) years in the Nevada Department of Corrections for ATTEMPT LEWDNESS WITH A MINOR UNDER FOURTEEN YEARS OF AGE, and recommend a sentence of Two (2) to Ten (10) years in the Nevada Department of Corrections for INCEST. The State further agrees to recommend concurrent sentences.

CONSEQUENCES OF THE PLEA

I understand that by pleading guilty I admit the facts which support all the elements of the offense(s) to which I now plead as set forth in the Amended Information.

I understand that as a consequence of my plea of guilty, the Court must sentence me to imprisonment in the Nevada Department of Corrections for a

EXHIBIT C

1 minimum term of not less than Two (2) years (24 months) and a maximum term of
2 not more than Twenty (20) years (240 months) for ATTEMPT LEWDNESS WITH
3 A MINOR UNDER FOURTEEN YEARS OF AGE, and a minimum term of not less
4 than Two (2) years (24 months) and a maximum term of not more than Ten (10)
5 years (120 months) for INCEST. The minimum term of imprisonment may not
6 exceed forty percent (40%) of the maximum term of imprisonment. I understand
7 that I may also be fined. I understand that the law requires me to pay an
8 Administrative Assessment Fee.

9 I understand that, if appropriate, I will be ordered to make restitution to the
10 victim of the offense(s) to which I am pleading guilty and to the victim of any related
11 offense which is being dismissed or not prosecuted pursuant to this agreement. I
12 will also be ordered to reimburse the State of Nevada for any expenses related to
13 my extradition, if any.

14 I understand that I am eligible for probation for the offense to which I am
15 pleading guilty. I understand that, except as otherwise provided by statute, the
16 question of whether I receive probation is in the discretion of the sentencing judge.

17 I further understand that the Court will include as part of my sentence, in
18 addition to any other penalties provided by law, lifetime supervision commencing
19 after any period of probation or any term of imprisonment and period of release
20 upon parole; said special sentence of lifetime supervision must begin upon release
21 from incarceration.

22 I also understand that pursuant to NRS 176.139 and my plea of guilty to a
23 sexual offense for which the suspension of sentence or the granting of probation is
24 permitted, the Division of Parole and Probation shall arrange for a psychosexual
25 evaluation as part of the division's presentence investigative report to the Court.
26 Pursuant to NRS 176A.110, that evaluation must certify that I do not represent a
27 high risk to reoffend, before I will be eligible for probation.

28 I understand that I will have to submit to blood and/or saliva test to determine
genetic markers and/or secretor status.

1 I understand that if more than one sentence of imprisonment is imposed and
2 I am eligible to serve the sentences concurrently, the sentencing judge has the
3 discretion to order the sentences served concurrently or consecutively.

4 I also understand that information regarding charges not filed, dismissed
5 charges, or charges to be dismissed pursuant to this agreement may be considered
6 by the judge at sentencing.

7 I have not been promised or guaranteed any particular sentence by anyone.
8 I know that my sentence is to be determined by the Court within the limits
9 prescribed by statute.

10 I understand that if my attorney or the State of Nevada, or both, recommend
11 any specific punishment to the Court, the Court is not obligated to accept the
12 recommendation.

13 I understand that if the State of Nevada has agreed to recommend or
14 stipulate a particular sentence or has agreed not to present argument regarding the
15 sentence, or agreed not to oppose a particular sentence, such agreement is
16 contingent upon my appearance in court on the initial sentencing date (and any
17 subsequent dates if the sentencing is continued). I understand that if I fail to appear
18 for the scheduled sentencing date or I commit a new criminal offense prior to
19 sentencing, the State of Nevada would regain the full right to argue for any lawful
20 sentence.

21 I understand that if the offense(s) to which I am pleading guilty to was
22 committed while I was incarcerated on another charge or while I was on probation
23 or parole, that I am not eligible for credit for time served toward the instant
24 offense(s).

25 I understand that as a consequence of my plea of guilty, if I am not a citizen
26 of the United States, I may, in addition to other consequences provided for by
27 federal law, be removed, deported, excluded from entry into the United States or
28 denied naturalization.

....

1 I understand that the Division of Parole and Probation will prepare a report
2 for the sentencing judge prior to sentencing. This report will include matters
3 relevant to the issue of sentencing, including my criminal history. This report may
4 contain hearsay information regarding my background and criminal history. My
5 attorney and I will each have the opportunity to comment on the information
6 contained in the report at the time of sentencing. Unless the District Attorney has
7 specifically agreed otherwise, then the District Attorney may also comment on this
8 report.

9 WAIVER OF RIGHTS

10 By entering my plea of guilty, I understand that I am waiving and forever
11 giving up the following rights and privileges:

12 1. The constitutional privilege against self-incrimination, including the
13 right to refuse to testify at trial, in which event the prosecution would not be allowed
14 to comment to the jury about my refusal to testify.

15 2. The constitutional right to a speedy and public trial by an impartial jury,
16 free of excessive pretrial publicity prejudicial to the defense at which trial I would be
17 entitled to the assistance of an attorney, either appointed or retained. At trial the
18 State would bear the burden of proving beyond a reasonable doubt each element
19 of the offense charged.

20 3. The constitutional right to confront and cross-examine any witnesses
21 who would testify against me.

22 4. The constitutional right to subpoena witnesses to testify on my behalf.

23 5. The constitutional right to testify in my own defense.

24 6. The right to appeal the conviction, with the assistance of an attorney,
25 either appointed or retained, unless the appeal is based upon reasonable,
26 constitutional, jurisdictional or other grounds that challenge the legality of the
27 proceedings and except as otherwise provided in subsection 3 of NRS 174.035.

28 ...

...

VOLUNTARINESS OF PLEA

I have discussed the elements of all of the original charge(s) against me with my attorney and I understand the nature of the charge(s) against me.

I understand that the State would have to prove each element of the charge(s) against me at trial.

I have discussed with my attorney any possible defenses, defense strategies and circumstances which might be in my favor.

All of the foregoing elements, consequences, rights, and waiver of rights have been thoroughly explained to me by my attorney.

I believe that pleading guilty and accepting this plea bargain is in my best interest, and that a trial would be contrary to my best interest.

I am signing this agreement voluntarily, after consultation with my attorney, and I am not acting under duress or coercion or by virtue of any promises of leniency, except for those set forth in this agreement.

I am not now under the influence of any intoxicating liquor, a controlled substance or other drug which would in any manner impair my ability to comprehend or understand this agreement or the proceedings surrounding my entry of this plea.

My attorney has answered all my questions regarding this guilty plea agreement, and its consequences, to my satisfaction and I am satisfied with the services provided by my attorney.

DATED this 3 day of March, 2003.

C. Freer
EVERETT CHARLES FREER, JR.

AGREED TO BY:

NYE COUNTY DISTRICT ATTORNEY

BY [Signature]

1 CERTIFICATE OF COUNSEL:

2 I, the undersigned, as the attorney for the Defendant named herein and as
3 an officer of the court, hereby certify that:

4 1. I have fully explained to the Defendant the allegations contained in the
5 charge(s) to which guilty pleas are being entered.

6 2. I have advised the Defendant of the penalties for each charge and the
7 restitution that the Defendant may be ordered to pay.

8 3. All pleas of guilty offered by the Defendant pursuant to this agreement
9 are consistent with the facts known to me and are made with my advise to the
10 Defendant.

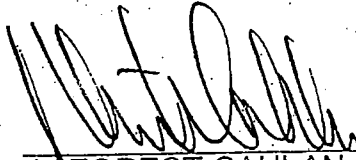
11 4. To the best of my knowledge and belief, the Defendant:

12 a. Is competent and understands the charges and the
13 consequences of pleading guilty as provided in this agreement.

14 b. Executed this agreement and will enter all guilty pleas pursuant
15 hereto voluntarily.

16 c. Was not under the influence of intoxicating liquor, a controlled
17 substance or other drug at the time I consulted with the
18 defendant as certified in paragraphs 1 and 2 above.

19 DATED this 3 day of March, 2003.

20 
21
22 J. FOREST CAHLAN, ESQ.
23 Attorney for Defendant
24 Nevada State Bar No. 2321
25 2340 E. Calvada Blvd., Suite 4
26 Pahrump, NV 89048
27 (775) 727-5882
28

CERTIFICATE COPY

The document to which this certificate is attached is a full, true and
correct copy of the original on file and of record in my office.

June 2, 2003
By Lucy Brockway Deputy
Clerk of the Fifth Judicial District Court, in and
for the County of Nye, State of Nevada.

RECEIVED

JUN 04 2003

NEVADA STATE BOARD OF
MEDICAL EXAMINERS

FILED

FIFTH JUDICIAL DISTRICT

MAY 09 2003

Nye County Clerk

Deputy

Case No. CR 4076

Dept. No. 2P

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT
OF THE STATE OF NEVADA, IN AND FOR THE COUNTY OF NYE

THE STATE OF NEVADA,

Plaintiff,

-v-

JUDGMENT OF CONVICTION

EVERETT CHARLES FREER, JR.,

Defendant.

On the 3rd day of March, 2003, the above-named defendant, Social Security Number [REDACTED] with a birthdate of [REDACTED], appeared before the Court with his counsel, FOREST CAHLAN, ESQ., and executed a Guilty Plea Agreement and pled guilty to the crime(s) of COUNT I, ATTEMPT LEWDNESS WITH A CHILD UNDER 14 YEARS OF AGE, in violation of NRS 201.230, a category "B" felony; COUNT II, INCEST, in violation of NRS 201.180, a category "B" felony. The state was represented by KIRK VITTO, ESQ., Deputy District Attorney.

On the 5th day of May, 2003, the defendant appeared personally and with his attorney, FOREST CAHLAN, ESQ., for entry of judgment. No sufficient legal cause was shown by the Defendant as to why judgment should not be pronounced against him. The Court adjudged the Defendant guilty of the crime(s) of COUNT I, ATTEMPT LEWDNESS WITH A CHILD UNDER 14 YEARS OF AGE, in violation of NRS 201.230, a category "B" felony; COUNT

FIFTH JUDICIAL DISTRICT COURT

ESMERALDA, MINERAL AND NYE COUNTIES





1 II, INCEST, in violation of NRS 201.180, a category "B" felony.

2 The Court then sentenced the Defendant as follows:

3 Count I to imprisonment in the Nevada State Prison for a maximum term of two
4 hundred forty (240) months with a minimum parole eligibility of ninety-six (96) months;

5 Count II to imprisonment in the Nevada State Prison for a maximum term of one
6 hundred twenty (120) months with a minimum parole eligibility of forty-eight (48) months.

7 The sentence on Count II shall run consecutive to the sentence on Count I. The sentences on
8 Counts I and II shall be suspended and the Defendant is placed on probation for a period of
9 five (5) years subject to the following special conditions:

10 That the defendant submit to their search of their person, property, vehicle, residence,
11 or any area and/or thing under their control, at any time of the day or night without a warrant,
12 for evidence of any crime, or violation of probation by a Parole and Probation Officer or Peace
13 Officer acting under their direction during the entire term of probation.

14 The Defendant be remanded to the custody of the Nye County Jail for a period of thirty
15 (30) days. Defendant shall be released from custody on June 3, 2003.

16 Defendant shall obtain a Mental Health Evaluation, at his own expense, and if deemed
17 necessary enter and complete a mental health counselling program approved by Parole and
18 Probation.

19 1. In accordance with NRS 176A.410, the Court further orders the following
20 conditions:

21 A. Defendant shall reside at a location only if it has been approved by the
22 Parole and Probation Officer assigned to the Defendant;

23 B. Defendant shall accept a position of employment only it is has been
24 approved by the Parole and Probation Officer assigned to the Defendant;

25 C. Defendant shall abide by any curfew imposed by the Parole and
26 Probation Officer assigned to the Defendant;



1 D. Defendant shall participate in and complete a program of professional
2 counselling approved by the Division of Parole and Probation;

3 E. Defendant shall submit to periodic tests, as requested by the Parole and
4 Probation Officer assigned to the Defendant, to determine whether the Defendant is
5 using a controlled substance;

6 F. Defendant shall submit to periodic polygraph examinations, as
7 requested by Parole and Probation Officer assigned to the Defendant;

8 G. Defendant shall abstain from consuming, possession or having under
9 his control any alcohol;

10 H. Defendant shall not have contact or communicate with a victim of the
11 sexual offense or a witness who testified against the defendant or solicit another person
12 to engage in such contact or communication on behalf of the Defendant, unless
13 approved by the Parole and Probation Officer assigned to the Defendant, and a written
14 agreement is entered into and signed in the manner set forth in subsection 2;

15 I. Defendant shall not use aliases or fictitious names;

16 J. Defendant shall not obtain a post office box unless the Defendant
17 receives permission from the Parole and Probation Officer assigned to the Defendant;

18 K. Defendant shall not have contact with a person less than 18 years of age
19 in a secluded environment unless another adult who has never been convicted of a
20 sexual offense is present; and permission has been obtained from the Parole and
21 Probation Officer assigned to the Defendant in advance of each such contact;
22

23 L. Unless approved by the Parole and Probation Officer assigned to the
24 Defendant and by a psychiatrist, psychologist or counsellor treating the defendant, if
25 any, not be in or near:

- 26 1. A playground, park, school or school grounds;
27 2. A motion picture theatre; or
28



3. A business that primarily has children as customers or conducts events that primarily children attend.

M. Defendant shall comply with any protocol concerning the use of prescription medication prescribed by a treating physician, including, without limitation, any protocol concerning the use of psychotropic medication;

N. Defendant shall not possess any sexually explicit material that is deemed inappropriate by the Parole and Probation Officer assigned to the Defendant;

O. Defendant shall not patronize a business which offers a sexually related form of entertainment and which is deemed inappropriate by the Parole and Probation Officer assigned to the Defendant; and

P. Defendant shall not possess any electronic device capable of accessing the Internet and not access the Internet through any such device or any other means, unless possession of such a device or such access is approved by the Parole and Probation Officer assigned to the Defendant.

2. A written agreement entered into pursuant to paragraph (H) of subsection 1 must state that the contact or communication is in the best interest of the victim or witness, and specify the type of contact or communication authorized. The written agreement must be signed and agreed to by:

(A) The victim or the witness;

(B) The Defendant;

(C) The Parole and Probation Officer assigned to the Defendant;

(D) The psychiatrist, psychologist or counsellor treating the Defendant, victim or witness, if any; and

(E) If the victim or witness is a child under 18 years of age, each parent, guardian or custodian of the child.

Defendant shall be sentenced to lifetime supervision by the Division of Parole and



1 Probation to commence upon release from any term of probation, parole or imprisonment,
2 pursuant to NRS 176.0931.

3 Pursuant to NRS 179D.240, the Defendant shall register as a sex offender within 48
4 hours of sentencing or release from custody.

5 Defendant shall continue to pay for counselling for the victim.

6 Defendant shall pay to the Clerk of this Court the sum of \$10,000.00 as a fine.

7 Defendant shall pay to the Clerk of this Court a sum of \$25.00 as an administrative
8 assessment fee.

9 Defendant shall pay to the Clerk of this Court a sum of \$150.00 as a DNA fee.

10 Defendant shall pay to the Clerk of this Court the sum of \$600.00 as a Psychosexual
11 Evaluation Fee.

12 DATED this 8 day of May, 2003.

13
14
15 
16 DISTRICT JUDGE

17
18
19 CERTIFIED COPY

20 The document to which this certificate is attached is a full, true and
21 correct copy of the original on file and of record in my office.

22 Date: June 2, 2003

23 Sandra L. Merlino, clerk of the Fifth Judicial District Court, in and
24 for the County of Nye, State of Nevada.

25 By Heidi Brockway Deputy
26
27
28

CERTIFICATION OF SERVICE

The undersigned hereby certifies that on the 8 day of May, 2003, she mailed (or hand delivered) copies of the foregoing to the following:

NYE CO. DISTRICT ATTORNEY
1520 E. BASIN AVE.
PAHRUMP, NV 89060
(HAND DELIVERED)

J. FOREST CAHLAN
2340 E. CALVADA BLVD, STE 4
PAHRUMP, NV 89048

NYE COUNTY SHERIFF
TONOPAH, NV. 89049
(FLEET DELIVERED)

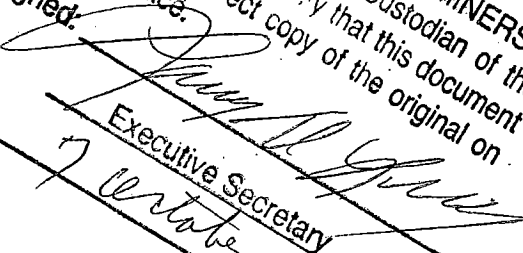
NEVADA DIVISION OF PAROLE AND PROBATION
PAHRUMP, NV. 89048
(HAND DELIVERED)

Melanie Florio
MELANIE FLORIO, Secretary to
DISTRICT JUDGE



STATE OF NEVADA
BOARD OF MEDICAL EXAMINERS
I, Larry D. Lessly, Official Custodian of the
records, do hereby certify that this document
is a true and correct copy of the original on
file in this office.

Signed:


Executive Secretary

Date:

7 October 2003